

REMARKS

In response to the Office Action mailed May 26, 2011, Applicant respectfully requests reconsideration by the submission of this amendment.

Claims 15-17, 19-27, 29-34 and 37-43 have been examined. By this amendment, Applicant is amending claims 15 and 34. Applicant respectfully submits that no new matter has been added.

Rejections under 35 USC §101

Claims 34 and 37-43 stand rejected under §101 for not being directed to a statutory class. Applicant respectfully traverses.

Claim 34 has been amended to recite a method of selectively employing real-time wireless telephone call control resources for a subscriber to a telecommunications service plan “implemented on a computer system comprising a processor and a memory storing instructions that, when executed by the processor, cause the computer system to perform the method.”

Applicant respectfully submits that claim 15, as amended, is now compliant with §101 as the claimed method clearly identifies the apparatus that is accomplishing the method steps.

Applicant respectfully requests that this rejection be withdrawn.

Rejections under 35 USC §112

Claim 15 stands rejected under §112, second paragraph, as being indefinite. Applicant respectfully traverses.

Applicant has amended claim 15 to recite “a storage device comprising a subscriber database comprised of individual subscriber account records” and “a processor for executing at least part of a method of enabling the selective use of real-time wireless telephone call control resources in a telecommunications system.” Applicant respectfully submits that claim 15 is now in compliance with §112, second paragraph, and requests that the rejection be withdrawn.

Rejections under 35 USC §102

Claims 15-17, 19-27, 29-31, 33, 34 and 37-43 stand rejected under §102(b) as being anticipated by Gurel, U.S. Publication 2004/0023636. Applicant respectfully traverses as follows.

Gurel is directed to a wireless prepaid pay phone system that allows for automatically calculating an amount to be charged for a call. {Abstract}. Gurel describes a scenario where an owner of a prepaid wireless handset loans the handset to another (the “loanee”) and then collects a payment to cover the cost of the phone call(s) made by the loanee in addition to some other added margin or markup amount. {Paragraphs 3-15}. In operation, Gurel’s system determines the owner’s current balance and sends that balance amount to a pay phone application running on the phone to allow the current balance to be displayed on the screen of the handset. {Paragraph 33}. The owner then loans the handset to the loanee to make a call. Upon termination of the call, a new balance is determined from which an amount to be charged for the just completed call is determined. {Paragraph 34}. When the loanee is finished using the handset, after making one or more calls, the accumulated price for the calls is presented on the phone’s display and the loanee then pays the owner for the use of the phone. {Paragraph 36-38}.

Gurel discloses that the system will allow the owner to set a charge limit for a specific loanee and the system will monitor the calls to prevent usage from exceeding the preset limit. {Paragraph 42}. The charge limit can be controlled by calculating the accumulating charges periodically, e.g., every minute or portion of a minute, or by continually calculating the incurred charge and comparing it to the preset limit. {Paragraph 42}. Alternatively, a maximum call duration may be calculated based on the preset limit and the cost per minute rate. A timer would then be used to assure that the present call does not exceed that time limit. {Paragraph 42}.

In contrast, claim 15, as amended, recites a system for enabling the selective use of real-time wireless telephone call control resources in a telecommunications system comprising a treatment handler, in communication with a balance manager, that determines, “based on the modified respective subscriber account record and whether or not the last terminated wireless telephone call chargeable to the respective subscriber account was subject to real-time monitoring,” whether a next wireless telephone call “will be subject to wireless telephone call processing before, and real-time

monitoring during the next wireless telephone call” or whether the next wireless telephone call “will be subject to only wireless telephone call processing after termination.”

Gurel may describe that the charge limits can be maintained by continually calculating the accrued charges during a call or setting a maximum time limit and then timing a call or calls. Gurel, however, does not disclose, teach or suggest that a next telephone call will be handled in a way that is based on a determination of how the last terminated telephone call was implemented, i.e., with or without real-time monitoring. Thus, for example, Gurel does not contemplate changing from one mode of call control, for example, setting a timer on a call, to another mode, for example, continually calculating the accruing costs of a call, based on information such as the account status or the conditions under which a previous call was monitored, as recited in claim 15.

For at least the foregoing reasons, Applicant respectfully submits that claim 15 is not anticipated by the Gurel reference and requests that the rejection be withdrawn. As claims 16, 17, 19-27, 29-31 and 33 depend from claim 15, these claims are also allowable.

Independent claim 34, as amended, recites:

A method of selectively employing real-time wireless telephone call control resources for a subscriber to a telecommunications service plan implemented on a computer system comprising a processor and a memory storing instructions that, when executed by the processor, causes the computer system to perform the method, the method comprising:

analyzing a subscriber account record at a treatment handler with respect to predetermined values available thereto for determining if a subsequent subscriber-initiated wireless telephone call will be subject to wireless telephone call processing before, and real-time monitoring during, the subsequent wireless telephone call, or if the subsequent subscriber-initiated wireless telephone call will be subject to only wireless telephone call processing after termination of the subscriber-initiated wireless telephone call;

establishing a treatment identifier reflective of the treatment handler analysis;

receiving, at an event manager, a subscriber wireless telephone call initiation request to the telecommunications service plan for the subsequent subscriber-initiated wireless telephone call; and

referring to the respective treatment identifier, by the event manager, for determining whether the requested subsequent

subscriber-initiated wireless telephone call will be subject to: (i) wireless telephone call processing before, and real-time monitoring during, the subsequent subscriber-initiated wireless telephone call, or (ii) only wireless telephone call processing after termination,

wherein if the treatment indicator indicates to the event manager that the subsequent subscriber-initiated wireless telephone call will be subject to wireless telephone call processing before, and real-time monitoring during the subsequent subscriber-initiated wireless telephone call, retrieving data from a respective subscriber account record maintained by a balance manager in an associated subscriber database, by the event manager, for determining if the subscriber record data is sufficient to authorize wireless telephone call initiation,

wherein the subscriber account record includes data characterizing a last terminated wireless telephone call chargeable to the subscriber account, and

wherein the treatment handler analyzes the subscriber account record if the last terminated wireless telephone call chargeable to the subscriber account was not subject to real-time monitoring. (emphasis added).

Thus, similar to the arguments submitted above with respect to claim 15, as Gurel does not determine whether a subsequent call will be subject to “call processing before and real-time monitoring during” or subject “to only wireless telephone call processing after,” based on an analysis of a subscriber account record, Applicant submits that claim 34 is not anticipated by this reference. Applicant respectfully submits that independent claim 34 and its dependent claims 37-43 are, therefore, patentable.

Rejections under 35 USC §103

Claim 32 stands rejected under §103(a) as being obvious over Gurel in view of Dominguez, U.S. Publication 2003/0200184. Applicant respectfully traverses as follows.

Gurel and Dominguez have been discussed in previous responses. Applicant respectfully submits that Dominguez does not remedy the deficiencies of Gurel with respect to independent claim 15, from which claim 32 depends, and, therefore, claim 32 is patentable over the cited combination of references.

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Applicant believes the claims are in condition for allowance and a notice to this effect is earnestly solicited. If the Examiner has any questions, the Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application. The Examiner is hereby authorized to charge any fees, or credit any balances, due to this submission, to Deposit Account No. 23-0804.

Respectfully submitted,

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